# GILA COUNTY BOARD OF ADJUSTMENT Gila County Supervisors Conference Room 610 E. Highway 260, Payson, AZ Community Development Conference Room 745 N. Rose Mofford Way, Globe, AZ

December 20, 2018 9:00 A.M.

# AGENDA

## **REGULAR MEETING**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call: Mary Lou Myers, Bill Marshall, Mickie Nye
- 4. Review and Approval of Minutes of the Board of Adjustment Hearing on November 15, 2018.

# 5. **Director/Planner Communication:**

At any time during this meeting of the Board of Adjustment, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

# **Public Hearing:**

- 6. <u>V-18-02 Julie Griesa:</u> The applicant is requesting a variance to permit a 30" side yard setback for an exempt structure. Ms. Griesa's property is located at 1058 W. Columbine in Christopher Creek and is zoned General Unclassified with an APN# of 303-10-109.
- 7. Voting for Chairman and Vice-Chairman
- 8. Adjournment



# MINUTES OF THE GILA COUNTY BOARD OF ADJUSTMENT

Thursday, November 15, 2018

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM
610 E. Highway 260, Payson, AZ
GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM
745 N. Rose Mofford Way, Globe, AZ
9:00 A.M.

## **REGULAR MEETING**

- The meeting was called to order at 9:04 A.M. by Mickie Nye (Acting Chairman).
- Pledge of Allegiance was led by Bill Marshall.
- 3. Roll Call: Michelle Dahlke did the roll call; Mickie Nye (in Globe), and Bill Marshall (in Globe) are both present. Mary Loy Myers is absent. A quorum is present.

Community Development Staff Members Present: Michelle Dahlke-Senior Planner.

- 4. Review and Approval of the Board of Adjustment Minutes on August 16, 2018. Acting Chairman Mickie Nye asked if there were any changes needed to the minutes. No changes were suggested. Mickie Nye motioned that the minutes be approved as is and Bill Marshall seconded the motion. The motion was unanimously approved.
- Approval of 2019 Calendar (Meeting dates). Bill Marshall motioned that the 2019 Calendar of meeting dates be approved as is and Mickie Nye seconded the motion. The motion was unanimously approved.
- Voting for Chairman and Vice-Chairman. Mickie Nye motioned to table the voting of Chairman and Vice-Chairman until the December 20, 2018 meeting. Bill Marshall seconded the motion. The motion was unanimously approved.
- 7. <u>Director/Planner Communication:</u> At any time during this meeting of the Board of Adjustment, Director Scott Buzan and/or Planner Michelle Dahlke of Community Development may present a brief summary of current events. No action may be taken.

Michelle Dhalke had nothing to present at this time.

# Appeal:

8. <u>U-18-08 Debbie Davis:</u> Community Development Staff approved U-18-08, a request to construct an 8-foot privacy fence along the northern boundary of the property. Application was appealed by John Taylor on August 20, 2018.

Michelle Dahlke presented the staff report overview. The request is for a fence over 6-feet in height. If the fence wasn't over 6-feet in height, it wouldn't require a use permit. The primary reason the applicant is requesting the 8-foot fence is mostly because of the elevation difference between her property and the adjacent property to the north and to provide ample screening



between the two properties in general. There have been some ongoing disagreements between the two property owners, concerning some goats which are on Ms. Davis' property. Ms. Davis thought this fence would be a good way to screen her property and the goats from Mr. Taylor's property. The elevation concern wasn't the only issue that we considered with this Use Permit application. We agreed with the applicant, that the privacy fence would hopefully solve some of these issues they have had between them. We don't have design guidelines in respect to fences, in the county, but the applicant did provide us with some, which are included in the staff report. Community Development approved U-18-08 on August 8, 2018. Mr. Taylor submitted his appeal on August 20, 2018.

The meeting was opened to public comment. Mickie Nye asked if the rod iron fence pictures included in the agenda packet were going to be the design Ms. Davis had in mind. Debbie Davis stated that she would be constructing a wood fence and treated with corrugated metal. Debbie also stated that the fence would start at 6-feet and gradually exceed to 8-feet, where needed. Mostly for privacy and to also help shield the neighbor from the animals she currently has on her property because numerous complaints have been filed by Mr. Taylor. Bill Marshall asked Ms. Davis if the fence would in any way block the view for her or her neighbor while driving from a driveway onto the highway. Ms. Davis stated that absolutely not. Mr. Taylor stated that he thinks an 8-foot fence is inappropriate in a residential area. Apparently, Gila County has some reservations as well, or they wouldn't require a Use Permit. He also stated he doesn't really see a purpose for an 8-foot fence. Bill Marshall asked Mr. Taylor if his only objection is just the visibility and not being able to see with the fence there. John Taylor stated that was correct. Michelle Dahlke clarified that Gila County requires a Use Permit for fences over 6-feet in height mostly for the structural and safety concerns. We just need the opportunity to look at it and make sure it is constructed properly. It isn't with regard to views in that nature. No other public comments. The public comment portion of the meeting was closed.

Bill Marshall motioned that the appeal by John Taylor be denied and that the Use Permit, U-18-08, be upheld. The motion was seconded by Mickie Nye. The motion was unanimously approved.

9. Adjournment. Mickie Nye made a motion to adjourn the meeting and Bill Marshall seconded the motion. The motion to adjourn was unanimously approved at 9:24 A.M.





# STAFF REPORT TO THE BOARD OF ADJUSTMENT

# **VARIANCE APPLICATION V-18-02**



V-18-02 Public Hearing December 20, 2018 610 E. Highway 260 Payson, AZ

# I. Application

Applicant Name	Julie Griesa
Applicant Address	920 E. Waltann Lane, Phoenix, AZ 85022
Site Address	1058 Columbine Road, Christopher Creek
APN Number(s)	303-10-109
Current Zoning	General Unclassified
General Plan	Residential (0.4 – 1.0 units per acre)
Designation	
Application Number	V-18-02

# II. Purpose of the Request

The applicant is requesting a variance to permit a 30" side yard setback for an exempt structure.

# III. Background

The applicant submitted a request for an administrative variance to permit a three foot side yard setback for an existing storage shed ("Shed #1") to address a complaint received by the Gila County Code Enforcement Department. The administrative variance was approved on July 5, 2018. This decision was appealed by an adjacent property owner via a letter dated July 27, 2018 and received by Gila County on July 30, 2018.





The Gila County Board of Adjustment heard the appeal on August 16, 2018. At this meeting, a second shed was discussed (Shed # 2) which is located behind Shed # 1. At the time of the administrative variance approval for Shed #1, Gila County Community Development staff ("Staff") was not aware of Shed # 2. Staff recommended to the Board of Adjustment that it uphold Staff's administrative approval for Shed # 1 and accept a recommendation for approval to allow the applicant to submit an administrative variance for Shed #2 for a 30" side yard setback.



Figure 1: Shed # 1 and Shed # 2

After further inspecting her property, the applicant confirmed with Staff that Shed # 2 cannot be moved 3' from the side property line due to existing topography, mature vegetation and the creek/slope to the north.

The minimum distance an exempt structure can be approved is for 3' via the administrative variance process. As such, the applicant is requesting the subject variance to allow a 30" setback where 3' is the minimum permitted.

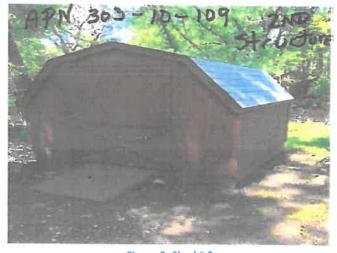


Figure 2: Shed # 2



# IV. Analysis

Per Section 101.3.H of the Gila County Zoning Ordinance ("Zoning Ordinance"), a variance shall only be granted under four criteria (see excerpt from Zoning Ordinance below):

- a. Due to special circumstances applicable to the property, including its size, shape, topography, location, impact to adjoining property uses and destruction of vegetation, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- b. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- c. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
- d. The variance will not allow the establishment of a use which:
  - is not otherwise permitted in the zoning district;
  - would result in the extension of a non-conforming use; or
  - would change the zoning classification of any or all of the property.

Criteria A: There are several special circumstances that exist which limit the area where Shed # 2 could be relocated. For one, the creek behind Shed # 2 and the slope leading to it, create challenges to moving Shed # 2 to the north. In addition, there is a large tree just west of Shed # 2 the does not permit the shed to be moved in that direction without its removal. Shed # 2 cannot be relocated north due to Shed # 1. The property is fairly narrow and the primary structure takes up a good portion of it further leaving limited options for the applicant. Short of removing the large tree and other vegetation nearby, there are no other options available for relocating Shed # 2. It is important to note that Shed # 2 has been on the property for many years and allowing it to remain in its current location should not negatively impact adjoining properties as much as constructing a new shed might.

<u>Criteria B:</u> Granting a variance for Shed # 2 will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity of the zoning district in which it is located. While <u>new exempt structures</u> must meet the 3' minimum side yard setback, Shed # 2 was constructed on the property long before the applicant purchased the property. Other property owners in the area and within this zoning district have the ability to apply for a variance for a similar circumstance.

<u>Criteria C:</u> The applicant purchased the property with Shed # 2 already located on it. A neighbor across the street indicated to the applicant that he believed Shed # 2 was constructed at the time the primary residence was constructed. In any event, the applicant did not construct Shed # 2 and therefore, this is not a self-imposed hardship created by the applicant.

<u>Criteria</u> D: The granting of a variance will not allow the establishment of a new use. Shed # 2 has been in the same location for many years. Exempt structures are permitted in the GU zoning



district. Additionally, granting the variance will not result in the extension of a legal nonconforming use or change the zoning classification of the property.

# V. Recommendation

Staff recommends that the variance be granted to permit a 30" side yard setback for Shed # 2.



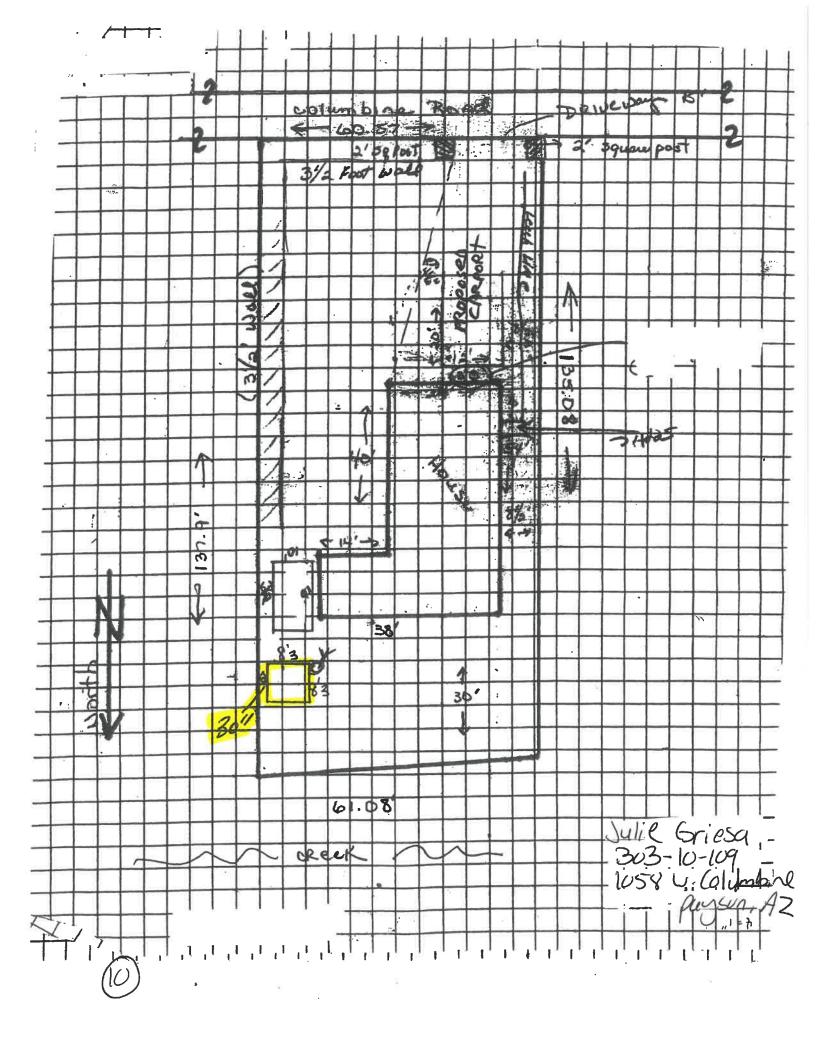
# Gila County Community Development Division Planning & Zoning Department

745 N Rose Mofford Way, Globe, AZ 85501 (928) 402-8512 or 8514 FAX (928)425-0829

608 E Highway 260, Payson, AZ 85541 928-474-0829, FAX 928-474-0802

# VARIANCE APPLICATION FORM

BOARD OF ADJUSTMENT AND APPEALS
Date: 10 03 18 Case File No.: V-18-02
Applicant Name: Julie Griesa Phone No.: (002-318-0109)  Mailing Address: 920 E Walfann In Phone No.: (002-318-0109)  Signature: Noenix A2 85023
Owner's Name: Julie Griesa Phone No.: 602 - 318 - 6109 Signature:
(If the applicant is not the owner of the subject property, the owner must sign the application .
Property Address: 1058 W. Columbine Christopher Creek  Zoning of Property: G-U Legal Description:
Applicant's Description of Variance Request: 30 Selback
Applicant's Justification for a Variance: There is no where else to put the exchange shed due to trees & sloping of emplets.
Attach a reproducible 8 ½" x 11" site plan showing: scale; north arrow; all lot dimensions; adjacent streets and names; all existing and proposed buildings and structures, driveways, alleys, easements, and vegetation; and, extreme topographical conditions. Show all dimensions of existing and rear, side) and show the dimensions of the setbacks. Show the proposed feature which is the subject
\$300.00 fee received: Check No Cash: Date:
Date of Legal Publication:  Posting Date:  Approved:  Approved:  Posting Date:
Approved: Denied: Appealed:



Property Records Inquiry

**Print This Page** Revise Search

**General Information** 

2019 ▼

**Property Address** 

1058 COLUMBINE RD PAYSON, 85541

Owner Name & Address

**Primary Owner** GRIESA MICHAEL S & JULIE A TRUSTEES GRIESA TRUST

920 E WALTANN LN PHOENIX, AZ 85022 100.00%

Location Description (Not to be used for recording purposes)

Subdivision:

Lot: Block:

Section: 30, Township: 11N, Range: 13E

Location: CHRISTOPHER CREEK HAVEN PLAT 4 LOT 2

**Property Information** 

Parcel Number: 30310109 Link to Parcel on GIS

Account Number: R000030853

Tax District: 1001 Square Feet: 8,276.40 **Current Mill Levy: 0** Total Acres: 0.19

Primary Use Description: 0133-SFR-010-3 RURAL SUBDIV

### **Sales Information**

Reception #	Sale Price	Deed Type	SaleDate	Grantor	Grantee
2011007065	\$0	SPECIAL WARRANTY DEED	06/23/2011	GRIESA MICHAEL& JULIE	GRIESA MICHAEL S & JULIE A TRUTEES GRIESA TRUST
2010005911	\$230,000	WARRANTY DEED	05/13/2010	WYNN JESSE W & DONNA L	GRIESA MICHAKLE & JULIE

# Value Information Approach: Cost

Abstract Code/Description	Value Type	Appraised Value	Assessed Value	Taxable Value
04011 Non-Primary Residence/Bank Owned	Improvement	\$87,310	\$8,731	\$8,731
0401L Non-Primary Residence/Bank Owned	Land	\$72,939	\$8,731 \$7,294	\$7,294
	Totals:	\$160,249	\$16,025	\$16,025

# Limited Property Value (LPV)

Abstract Code/Description	Value Type	LPV Actual	LPV Assessed	LPV Taxable Value
0401I Non-Primary Residence/Bank Owned	Improvement	\$87,310	\$8,731	\$8,731
0401L Non-Primary Residence/Bank Owned	Land	\$72,939	\$7,294	\$7,294
	Totals:	\$160,249	\$16,025	\$16,025

# **Account Flags**

Flag Type	Flag Description	Unit Count

# **Property Attributes & Descriptions**

Attribute Description
lt

None

The Parcel has the following Exemptions:

A2 X Physically Unchanged Improved Land

# **Building ID 1.00**

**Occupancy Description** 

**Built As** Exterior HVAC

Single Family Residential Ranch 1 Story Frame Plywood

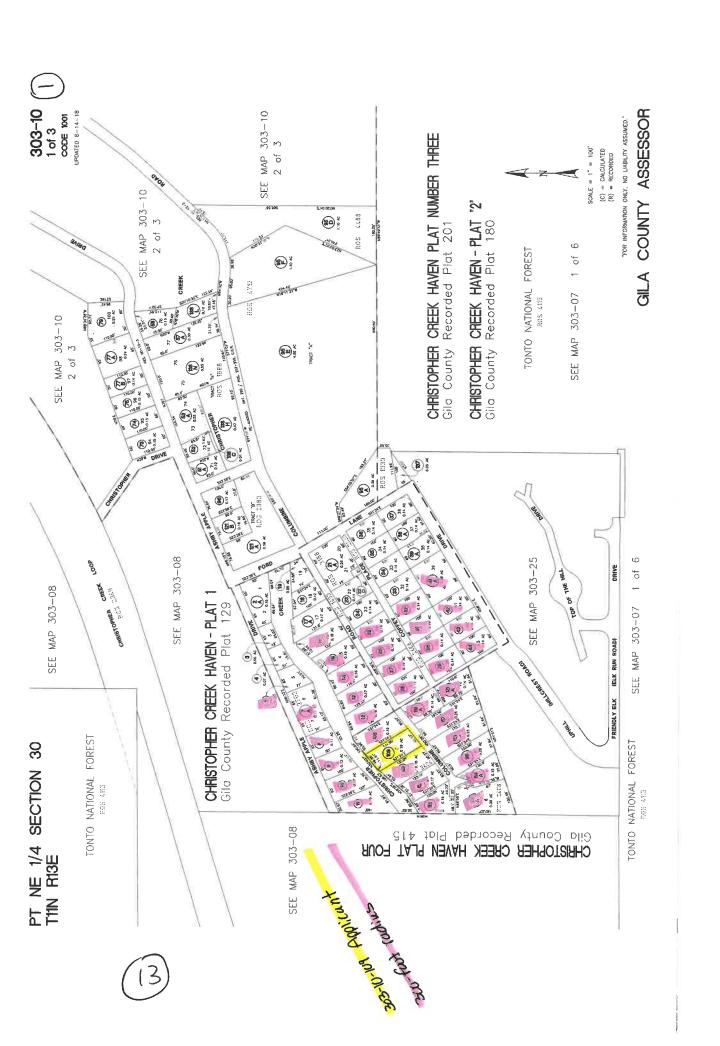
0 0 **Bedrooms** Baths O Year Built 1979

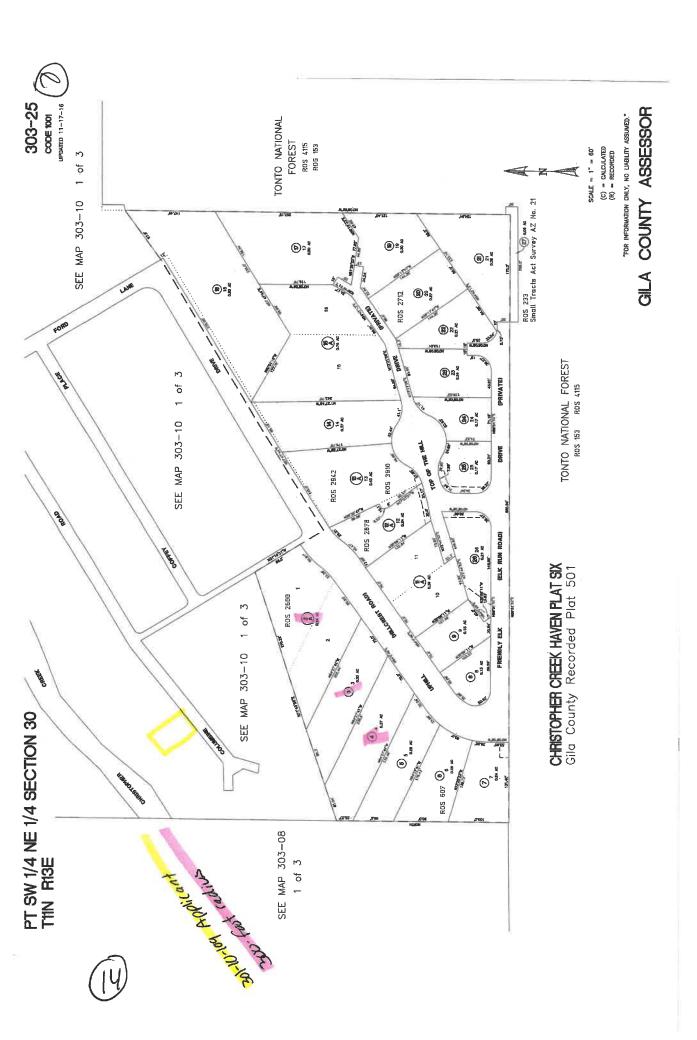


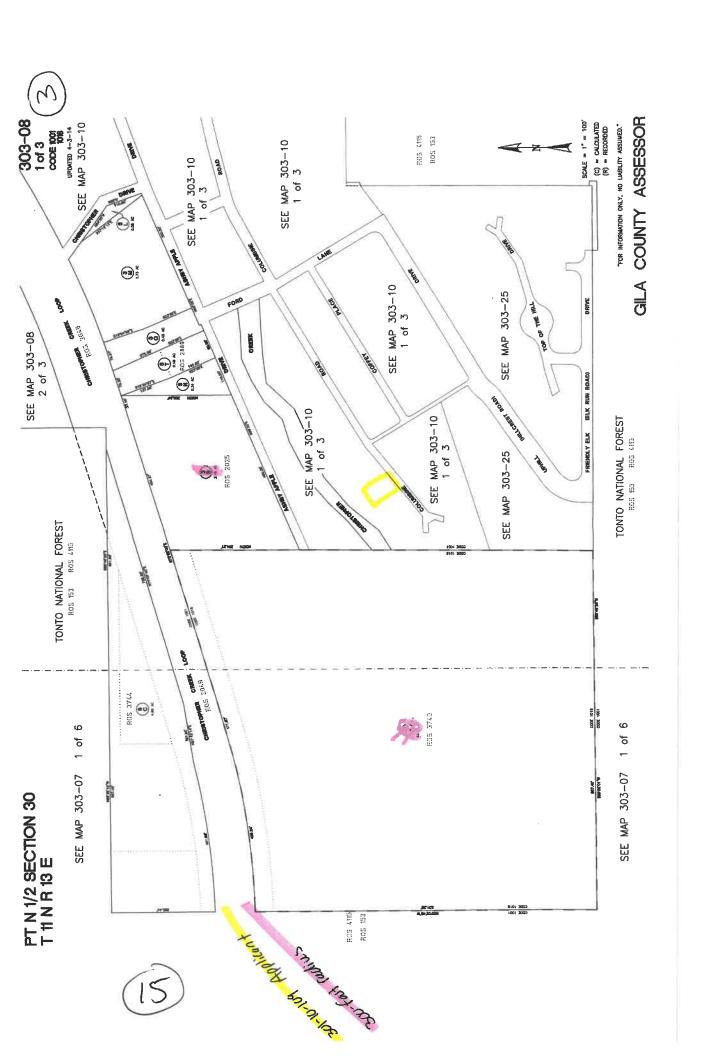
Per D.D. - No FP Permit required since it has been on property many years. JR 9/17/18











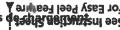
Los Padres LTP PO Box 1010 Queen Creek, AZ 85142 Church of Jesus Christ of Latter Day Saints C/O Tax ADM Div. 540-8164 50 E. North Temple RM 2225 Salt Lake City, UT 84150

Julie Griesa 920 E. Waltann Lane Phoenix, AZ 85022













Feed Paper







Travis & Cameo Sherman 3208 Riva Ridge Ct. Bowie, MD 20721 Lynne Silva 3370 E. Tanglewood Dr. Phoenix, AZ 85048 Karen Lafferty PO Box 8390 Scottsdale, AZ 85252

Larry & Jimmie Hannum 585 Ashby Apple Dr. Payson, AZ 85541 Cardon Family, LLC 1819 E. Southern Ave. Ste. B-10 Mesa, AZ 85204 Merri Beth Marx, Bruce Blake, Mark Blake, Stanlee Piccirillo 1008 W. 10<sup>th</sup> St. Mesa, AZ 85201

Stephen Moore & Kathryn Flanigan 13611 N. 82<sup>nd</sup> St. Scottsdale, AZ 85260 Peter & Kathryne Rowe 10241 N. 25<sup>th</sup> St. Phoenix, AZ 85028 Jennifer James 1036 Columbine Rd. Payson, AZ 85541

Cake By the Creek, LLC C/O Kevin Rowan 309 W. El Freda Rd. Tempe, AZ 85284

Michael & Kathy Berg 7168 W. Paraiso Dr. Glendale, AZ 85310 Tamara Milhon Rosemary Elston 1002 W. Columbine Rd. Payson, AZ 85541

Rhonda Mead 976 W. Columbine Rd. Payson, AZ 85541 James & Jennifer Cronk 9408 N. 58<sup>th</sup> Dr. Glendale, AZ 85302 La Alcancia Corp. C/O Pete Coury 12879 Harbor Blvd., Ste. N-1 Garden Grove, CA 92840

Kevin & Manjira Reffett 921 W. Lynwood St. Phoenix, AZ 85007 Richard Ross PO Box 30732 Phoenix, AZ 85046 Robert & Dori Hartman 13510 N. Manzanita Ln. Fountain Hills, AZ 85268

Robert & Betty Lusson 1059 W. Columbine Rd. Payson, AZ 85541 Mark & Kelly McCay 19970 N. 108<sup>th</sup> Ave. Sun City, AZ 85373 Charlotte Lucas 8114 E. Whitton Ave. Scottsdale, AZ 85251

Paul & Karen Brown 6016 E. Quartz Mountain Rd. Paradise Valley, AZ 85253 Marsha Ward 1003 W. Columbine Rd. Payson, AZ 85541 Jack Collins PO Box 1336 Carefree, AZ 85377

William Quist PO Box 10397 Phoenix, AZ 85064 Raymond & Lori Ohaver 906 S. Ridgeway Payson, AZ 85541 Dave Banerjea 12972 N. 137<sup>th</sup> St. Scottsdale, AZ 85259

Mark & Karen Gangsei 7316 E. Jenan Dr. Scottsdale, AZ 85260

Gregory Neidert 3444 E. Glenhaven Dr. Phoenix, AZ 85048 Scott & Pamela Driscoll 2815 E. Pegasus St. Gilbert, AZ 85234

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608 E. Hwy 260 Payson, Arizona 85541 (928) 474-9276 FAX (928) 474-0802

# GILA COUNTY COMMUNITY DEVELOPMENT

December 4, 2018

Julie Griesa 920 E. Waltann Lane Phoenix, AZ 85022

Re: Variance (V-18-02)

APN# 303-10-109, Zoning GU

Dear Ms. Griesa,

We have received your Variance Application to consider a request to obtain a 30" side setback for an already existing shed. This Variance Application is scheduled to be heard by the Board of Adjustment on December 20, 2018 at 9:00 A.M., in the Board of Supervisors Conference Room, located at 610 E. State Hwy 260, Payson, AZ.and will be simultaneously telecast to the Community Development Conference Room, located at 745 N. Rose Mofford Way, Globe, AZ. I highly recommend that you be present at this hearing, in case any questions or concerns should arise.

Should you have any questions or concerns regarding this matter, please feel free to contact me at (480) 228-2150 or by email at mdahlke@gilacountyaz.gov.

Sincerely,

Michelle Dahlke

Michelle Dahlke

Senior Planner





608 E. Hwy 260 Payson, Arizona 85541 (928) 474-9276 FAX (928) 474-0802

# GILA COUNTY COMMUNITY DEVELOPMENT

December 4, 2018

Re: Variance (V-18-02)

APN# 303-10-109, Zoning GU

Applicant: Julie Griesa

Dear Property Owner,

We have received a Variance Application from Julie Griesa to consider a request to obtain a 30" side setback for an already existing shed. This Variance Application is scheduled to be heard by the Board of Adjustment on December 20, 2018 at 9:00 A.M., in the Board of Supervisors Conference Room, located at 610 E. State Hwy 260, Payson, AZ and will be simultaneously telecast to the Community Development Conference Room, located at 745 N. Rose Mofford Way, Globe, AZ. You are receiving this letter because your property is within a 300-foot radius to Ms. Griesa at 1058 W. Columbine in Christopher Creek.

Any comments or concerns related to this application may be presented at the meeting or may be filed with our office, prior to the meeting date of December 20, 2018, via mail, email, or phone. All comments are public information and subject to release.

Should you have any questions or concerns regarding this matter, please feel free to contact me at (480) 228-2150 or by email at mdahlke@gilacountyaz.gov.

Sincerely,

Michelle Dahlke

Michelle Dahlke

Senior Planner



# Affidavit of Publication **Payson Roundup**

STATE OF ARIZONA

10094378

**COUNTY OF GILA** 

12/4/2018

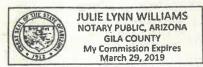
I, Paula VanBuskirk, do solemnly swear that I am Assistant Bookkeeper of the Payson Roundup, that the same is a newspaper printed, in whole or in part, and published in the COUNTY OF GILA, State of Arizona, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said COUNTY OF GILA for a period of more than fifty-two weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Arizona. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1.00 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated December 04 A.D., 2018, and that the last publication of said notice was in the issue of said newspaper dated December 04 A.D., 2018. In witness whereof I have hereunto set my hand this December 04 A.D., 2018.

Paula VanBuskirk

Subscribed and sworn to before me, a Notary Public in and for the COUNTY OF GILA, State of Arizona December 04 A.D., 2018.

Julie Lynn Williams, Notary Public

Juli Ann Whilliams



17020: 12/4/2018 LEGAL NOTICE PUBLIC HEARING GILA COUNTY BOARD OF ADJUSTMENT AND AP-**PEALS** 

NOTICE IS HEREBY GIVEN that the Gila County Board of Adjustment and Appeals will hold a public hearing on Thursday, December 20, 2018, at 9:00 a.m. to hear citizens who may wish to comment on Case No. V-18-02; Julie Griesa (Applicant), Iocated at 1058 W. Columbine, Payson, AZ 85541 (APN# 303-10-109) and zoned General Unclassified (GU). This variance would allow the applicant to place an already existing exempt shed 30" from the side property line.

The hearing will take place in the Gila County Board of Supervisors' Conference Room located at 610 E. Highway 260, Payson, AZ; and will be simultaneously telecast to the Community Development Conference Room located at 745 N. Rose Mofford Way, Globe, AZ.

Case No. V-18-02 is available for review at the offices of Gila County Community Development located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Highway 260, Payson, AZ between 8:00 a.m. to 5:00

/s/ Michelle Dahlke Michelle Dahlke Community Development Division Senior



# **POSTING CERTIFICATE**

File Number & Name	058 W. Columbial Payson AZ	Christopher	303-10-10x
V-14-02 Julil Meeting of: 1978 & Z Commission	Payson AZ	Creek	2 - 30 - [0
Meeting of: Z Commission	Board of Supervisors	oard of Adjustment & Ap	ppeals
Meeting Date: 17 70 18			
Number of Postings:			
Date to be Posted: 12/6/18			
Date Posted: 17/6/18			
Location:			
1. fublic works A 2. Gila County Cox 3. Gila County Court 4.	dmin Bldg. nplex by Chery! house by Bill Ha	Slynter nna winn b	- 
By: Mare Ben			

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of –way.

POSTING INSTRUCTIONS (Per Par. A, A.R.S. Sec. 11-814)



# ZONING HEARING GILA COUNTY

# **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Gila County Board of Adjustment and Appeals will hold a public hearing on Thursday, December 20, 2018, at 9:00 a.m. to hear citizens who may wish to comment on Case No. V-18-02; Julie Griesa (Applicant), located at 1058 W. Columbine, Payson AZ (APN# 303-10-109) and zoned General Unclassified (GU). This variance would allow the applicant to place an already existing exempt shed 30" from the side property line.

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Case No. V-18-02 is available for review at the offices of Gila County Community Development located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Highway 260, Payson, AZ between 8:00 a.m. to 5:00 p.m.

**DATED AND POSTED** this 6th Day of December, 2018.

Gila County Board of Adjustment and Appeals

Michelle Dahlke

Senior Planner

Gila County Community Development

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